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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,771	03/22/2004	Andrea Briatore	CM2736	1233

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THE PROCTER & GAMBLE COMPANY
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EXAMINER

THOMAS, JAISON P

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in European Patent Office on 3/28/2003. It is noted, however, that applicant has not filed a certified copy of the 03447068 application as required by 35 U.S.C. 119(b).

Claim Objections

2. Claim 10 and 11 are objected to because of the following informalities: in line 2 of Claims 10 and 11 the word "phtalocyanine" should be spelled --phthalocyanine--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agostini (EP 0668345A1).

Agostini teaches a bleaching composition which has alkali metal hypochlorites present from 0.1 to 10% by weight of the total composition (pg. 3, lines 57-58 and pg. 4, line 1) and a radical scavenger whose structure is described in Figure (a) on pg. 4 and

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present in the composition from 0.01 to 10 % by weight of the total composition. The radical scavenger structure is described as having substituents X, Y, and Z where X, Y, and Z could be -OCH₃ (methoxy) groups. Further the compositions disclosed can include a variety of other optional ingredients including pigments, dyes and optical brighteners (pg. 5, lines 25-27).

Agostini, however, does not explicitly teach the use of the particular trimethoxybenzoic acids as required by the instant claims.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the trimethoxybenzoic acids as those required by the instant claims since Agostini teaches the benefit of using such acids as radical scavengers to stabilize hypohalite bleaching compositions.

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Duca et al. (WO 00/27972).

Del Duca et al. teaches a bleaching composition which contains a peroxygen bleach (pg. 3, line 21), an alkoxylated benzoic acid (pg. 3, line 21), and other optional ingredients that could include brighteners, pigments and dyes (pg. 34, line 6). Del Duca et al. further teaches a composition wherein 0.01 to 30% by weight of peroxygen bleach (pg. 7, line 21), and the alkoxylated benzoic acid can be anywhere from 0.001 to 5% by weight of the composition (pg. 10, line 26). Further, the alkoxylated benzoic acid can be selected from the group consisting of 3,4,5-trimethoxy benzoic acid, 2,3,4-trimethoxy benzoic acid and 2,4,5-trimethoxy benzoic acid, or salts of each (pg. 10, lines 14-20).

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Del Duca, however, fails to disclose the use of hypohalites as bleaching agents.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the hypohalite bleach with the peroxygen bleach since Del Duca teaches the possibility of using hypohalites as bleaching agents along with benefit of using trimethoxy benzoic acid compounds disclosed for the purpose of stabilizing bleaching agents.

Even though hypohalite bleaches are not preferred due to reasons of fabric safety (pg. 8, lines 1-4), they are suggested by Del Duca and a prior art reference must be considered in its entirety, i.e., as a whole including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). In addition, a known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use, see *In re Gurley*, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). Further, a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including nonpreferred embodiments, see *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), *cert denied*, 493 U.S. 975 (1989). See MPEP 2145X.D.1 and MPEP 2123.

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agostini or Del Duca as applied to claims 1-6 above, and further in view of Briatore et al. (WO 00/27978).

Agostini or Del Duca is relied upon as discussed above. Agostini or Del Duca, however, does not teach the use of particular brighteners and their respective proportions in the bleaching composition.

Briatore et al. teaches liquid bleaching compositions (pg. 3, line 6) which include hypohalite bleaching agents (pg. 6, line 2) that could consist of alkali metal and alkaline earth metal hypochlorites (pg. 7, lines 6-7). In addition, Briatore et al. teaches the use of brighteners in the composition wherein the brighteners can include 4,4'-bis[(4-anilino-6-morpholino-s-triazine-2-yl)amino]2,2'-stilbenedisulfonic acid, sodium salt (pg. 13, lines 19-20) and 4-4'-bis (2' styryl sulfonate) biphenyl (pg. 12, line 16) and the brighteners are present in the bleaching composition at ranges from 0.001 to 1.0 % by weight of the composition (pg. 14, line 19).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the specific brighteners disclosed by Briatore et al. into the bleaching composition of Agostini or Del Duca in their optimum proportions since Agostini or Del Duca desires the optional addition of brighteners in the bleaching composition and Briatore teaches such brighteners in a similar composition.

7. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agostini or Del Duca as applied to claims 1-6 above, and further in view of Argo et al. (US Patent No. 6,294,511).

Agostini or Del Duca is relied upon as discussed above. Agostini or Del Duca, however, fails to teach the particular coloring agent or pigment and their respective proportions in the bleaching composition.

Argo et al. teaches a cleaning composition that includes a halogen bleach which can include alkali metal and alkaline metal earth salts of hypohalite (Column 9, lines 41-45) and pigments such as Ultramarine Blue and copper phthalocyanine and Argo further teaches the interchangeability of these pigments. Argo, by way of example, teaches a range of 0 to 1.0% by weight of the composition of the ultramarine blue pigment in the cleaning composition (Column 11, lines 40-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the pigments taught by Argo to the bleaching composition of Agostini or Del Duca in their optimum proportions since Agostini or Del Duca desires the optional addition of pigments and dyes to the bleaching composition and Argo teaches such pigments in a similar composition.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The references are considered cumulative to or less material than those discussed above.

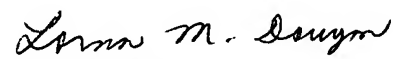
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison P. Thomas whose telephone number is (571) 272-8917. The examiner can normally be reached on Mon-Fri 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JT,
Jaison Thomas
Examiner
1/30/2006


LORNA M. DOUYON
PRIMARY EXAMINER